



# DOVER

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## Setting the record straight –

### THERE ARE NO FRIVOLOUS MEDICAL MALPRACTICE LAWSUITS IN GEORGIA

BY JEFF DOVER

You've probably heard the term "frivolous lawsuits" quite a bit these past few years, especially with regard to medical malpractice cases, which are cases that are filed when someone gets bad medical care and there has been a serious injury. Today, I'd like to clear up some misconceptions and explain why there are no frivolous medical malpractice cases in the state of Georgia.

Our state legislature has enacted stringent laws regarding medical malpractice lawsuits. One such strict requirement is that an expert affidavit must be attached to the initial lawsuit when you bring a medical malpractice case in the state courts of Georgia.

It's important to note that this is not required when filing most other types of lawsuits: if you have a landlord tenant dispute, a car wreck case, business litigation problems, tax problems, etc., you can just go down to your local courthouse and file a lawsuit, which is usually a couple hundred dollars.

However, with medical malpractice cases, all lawsuits filed must have an expert affidavit attached. The affidavit is a document written by another doctor who has reviewed the medical chart and explains in the affidavit why he or she believes the defendant doctor has committed malpractice. Not just any doctor can do this – the physician must have the appropriate training, education, and experience as to the specific issue in question, and who has done the procedure in question for at least three of the past five years.

So, when I hear the term frivolous lawsuit in Georgia, I cringe, because there is so much work, cost, and expert testimony that must be obtained before you can even initially file a medical malpractice lawsuit. Bottom line – the term frivolous lawsuit shouldn't be used when you talk about a medical malpractice case in the state of Georgia. ■



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## WHAT OUR CLIENTS ARE SAYING

After my accident, I tried to work with the insurance adjuster on my own and I didn't feel safe and secure signing on the dotted line without an attorney on my side. That's when I called your office. From that point on I got the guidance and assistance that I needed. I wish I had called you from the beginning because your service was great!

W.C.  
Townsend  
Cumming,  
GA



# TV tip-overs...

## DANGEROUS AND ALL TOO COMMON

Alarming reports of children being killed or injured by television tip-overs are headlining newscasts with ever-increasing frequency. According to Safe Kids Worldwide, a child dies from a TV tip-over every three weeks in the United States, and another 13,000 are injured

each year—a rise of 31 percent over the last 10 years. Children ages 5 and younger account for over 70 percent of tip-over injuries, and over 90 percent of injuries requiring hospitalization.

Tip-overs are commonly caused by a dangerous combination of factors: TVs that are not secured to a wall and inquisi-

tive or rambunctious children. Newer flat-screen TVs may be lighter than the older cathode ray tube TVs, but are more unstable and still pack enough weight to cause serious harm when they are toppled and fall on children.

TVs of any kind placed on top of high furniture pose hazards as well. Children often climb up dressers, chests of drawers, and other furniture, and use open drawers as rungs. Uneven weight distribution leads to tip-overs. Keep toys, video games, and the remote away from the TV...anything that grabs a child's attention and prompts them to reach and climb.

Safe Kids Worldwide recommends that all televisions, bookcases, shelving, and other heavy furniture be anchored to the wall whenever possible. Televisions should be placed in lower, more stable positions as well. ■

## What is Gap Insurance for My Vehicle?

If your vehicle gets totaled in a wreck, gap insurance is a type of insurance that bridges the gap between the fair market value of your vehicle and what you still owe on the vehicle if you are financing it. For instance, let's say you still owe \$15,000 on your vehicle at the time it was totaled, but the insurance company is only going to pay you \$10,000 because that is the fair market value. In a situation like that, gap insurance will cover the difference.

Here are a few important points about gap insurance:

- It is not part of your auto insurance.
- You typically purchase gap insurance at the time you purchase your vehicle.
- It is relatively inexpensive.
- It is important that you have gap insurance since you don't want to end up "upside down" (owing more than the car is worth) after an accident in which your vehicle gets totaled.

If you have any questions about gap insurance or other aspects of your property damage claim, please call our office. ■





THANK  
YOU!



## THANK YOU FOR YOUR REFERRALS

Over the past two decades, we've been fortunate to have been able to help thousands of Georgia residents get back on their feet after serious car wrecks, cases of medical malpractice, or workplace injuries. We've always strived to level the playing field against the big insurance companies by protecting the rights of everyday folks, and we're proud of what we've accomplished on behalf of our clients.

*But, here's the thing: We couldn't do it without your help.* Every day we hear from people who say that the reason they called us is that they were referred to us by someone we had helped in the past – whether a neighbor, family member or friend – when they needed it most.

We truly appreciate your referrals and thank you for the trust you place in us. ■

# Dishonesty:

## AN EASY WAY TO RUIN YOUR INJURY CLAIM

When you get down to it, honesty really is the best policy. This is especially true when it comes to your injury case.

One of the sure-fire ways to ruin your car wreck case is by being dishonest. If you

are not truthful about your medical history, the facts of the accident, your treatment plan, or your criminal history, you have a very good chance of hurting your injury case.

There have been times during depositions when clients have lied about their criminal history, which completely destroys all credibility. Let's face it; many people have a checkered past. If you are honest about it, your lawyer can deal with it appropriately. Most of the time, events from one's past are not admissible at trial, so ultimately, no one but your lawyer is going to hear about it. But, you must tell the truth so that your attorney can take the appropriate steps to minimize disclosure or keep the information out entirely if that seems the best course of action.



Inaccurate or missing information on standardized medical history forms, of the type that you customarily fill out in your doctor's office, poses another huge problem for your case and your attorney.

Those forms must be filled out accurately. Don't just breeze through them. When clients do not disclose their full medical history to the doctor they are seeing, it hurts their case. We see this type of thing all of the time. You may be in a hurry and it may be unintentional, but missing or inaccurate information will kill your case.

For instance, if prior to this event you had a back problem, then disclose it on the medical forms. If you disclose it, your lawyer can deal with it. If you don't disclose it, even though you might have fully recovered prior to the wreck and it has no bearing on your current injuries, the insurance company will make it look like you are lying and trying to hide something. Don't give them that chance. ■

## LEGAL TERMS EXPLAINED: Deposition

A deposition is an oral statement, usually in question and answer format, that is made under oath prior to a trial. Its purpose is to help attorneys from each side discover what the witnesses know and to also preserve a record of that statement for use in trial. ■



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**There are no frivolous medical malpractice cases in Georgia. See why on p. 1.**

## Elephants are more than big

Scientists have found that elephants are capable of complex thought and deep feeling, possibly rivaling that of humans.

For instance, the birth of a baby is a momentous occasion in elephant communities. Other females in the herd bellow and blare while the mother is giving birth, showing their unbridled excitement. Elephant reunions are highly emotional as well. The reactions of two elephants who had been separated and are reunited are the stuff of Hollywood.

Elephants mourn for fallen loved ones, even those who passed many years before. When they walk past the site of a family member's death, they'll pause silently for several minutes. If they come across remains, they'll gently touch them, smell them, and turn them over, appearing to genuinely grieve for, remember, and honor the deceased.

Elephants are capable of mischief and rage. In one documentary, a lone elephant was harassing three rhinos at a watering hole, tossing dirt, stones, and twigs at them, and then would lean on one or the other—a true agitator. Finally the rhinos had enough and put their horns to good use. Realizing he was outnumbered, the elephant stomped away in anger and shortly after uprooted a tree. Most of us can relate to petulance and hotheadedness (not sure about uprooting a tree).

Elephants are also altruistic. They'll try to help another elephant in distress, slow down the pace for an elephant that's lagging behind due to sickness or injury, and have on occasion even tried to help animals of other species, sometimes at great risk to themselves.

Elephants are far more than meets the eye...and that's saying a lot. ■

